



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
15 Flanders Memorial Road
P.O. Box 190
Weare, NH 03281
Phone: (603) 529-2250
Fax: (603) 529-7527

Naomi L. Bolton
Land Use Coordinator

Office Hours:
Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
MARCH 26, 2009
(Approved 4/09/09 as written)**

PRESENT: Chairman Craig Francisco; Frank Bolton; George Malette, Secretary; Tom Clow; Neal Kurk (arrived at 7:50 PM); Naomi Bolton, Land Use Coordinator

GUESTS: Rob Brown; Burt Brown; Deborah Brown; Art Siciliano; Wayne Daniels; Earl Sandford, LLS; Stephen Pope; Heidi Pope; Tom Howard; Shannon McManus; Douglas Wilkins; Scott Pollister; Michael Palmisano; Jonathan Dowst; Bill Tiffany.

I. CALL TO ORDER:

Chairman Craig Francisco called the meeting to order at 7:00 PM at the Weare Town Office Building.

II. PUBLIC HEARING:

BURTON & ROBERT BROWN – BOND REDUCTION REQUEST, ORCHARD PATH, TAX MAP 408-118 & 408-118.001: Chairman Francisco recognized Burt Brown to speak. Mr. Brown explained that they originally subdivided this property in 2002 and he and his son Bob each built a house. He came before the Planning Board about a year ago asking if he could leave it like it was a driveway to two properties. The Planning Board sent him back information after that meeting telling him that it couldn't be done. The Town received a letter from TD Banknorth stating that the letter of credit that Mr. Brown had for security for this roadway was not going to be renewed and is going to expire on April 3, 2009. The Town has notified the bank that they intend on calling the bond on April 3, 2009 to complete the roadway. Mr. Brown further explained that back in 2002 they were required to each have 200 feet of frontage which is why the roadway was proposed and approved. Now a couple of years ago zoning has changed to allow a lot with 10+ acres to only have 50 feet of frontage. Mr. Brown would like to propose the following plan:

1. reduce the bond to \$17,000 as he has received a copy of the letter Carl Knapp sent to the Planning Board indicating that it is his opinion that the amount could be reduced
2. allow a 6 month extension on the bond to allow him time to hire a surveyor and apply for a lot line adjustment to reduce the overall length of road due to the change in the regulation that occurred a couple of years ago.

George Malette moved to reduce the bond to \$17,000 per the Public Works Director's letter and to allow a six (6) month extension on the bond for time to apply and complete a lot line adjustment; Frank Bolton seconded the motion. Vote: 3 in favor (Malette; Bolton and Francisco) and 1 abstention (Clow). Tom Clow wanted to state for the record that he is not opposed to this motion at all the only reason for his abstention is that he has not officially been appointed by the Selectmen to sit on the board.

JOHN PALMER & ERIC MITCHELL (ROLLING HILLS DEVELOPMENT) – CONCEPTUAL HEARING, ROLLING HILLS DRIVE, TAX MAP 411-191: Naomi informed the board that this request has been cancelled, but she did have another applicant request a conceptual hearing that she was going to allow to fill the slot.

STEVEN & HEIDI POPE – CONCEPTUAL HEARING, BART CLOUGH ROAD, TAX MAP 408-007: Chairman Francisco opened this hearing at 7:13 PM. Mr. Pope explained that he and his wife Heidi just purchased property on Bart Clough Road more commonly known to residents as the Hooker Farm. They currently have 112 acres on Tobey Hill in Weare that is under a Conservation Easement which is why they were approached to do the same with this property. Mr. Pope explained that he would like to propose a 3 lot subdivision consisting of the house with 2.5 acres; a lot with 19.05 acres for conservation with Piscataquog Land Conservancy; a lot containing 20.989 acres for he and his wife to build a house on and then a lot containing 27.893 to be kept for a future cluster subdivision down the road. The board discussed the 2.5 acre house lot due to the fact that it is zoned Rural Agricultural and it requires 5 acres. Mr. Pope stated that he was aware the he would need a variance for that size lot and is planning on applying for to get on the next meeting in April with a request for a joint hearing with the Zoning Board. Mr. Pope stated that there is time constraints with working with easement companies and that would be one of the reasons for the joint meeting. Mr. Pope in an effort to full disclosure had a second map that showed the future cluster subdivision the will be planning. The board stated that they appreciate knowing the whole build out right up front. Being there were no further comments or questions, Chairman Francisco closed this hearing at 7:35 PM.

DANIELS LAKE DEVELOPMENT CORP. – SUBDIVISION (CONTINUED HEARING), TWIN BRIDGE ROAD, TAX MAP 411-191: Chairman Francisco opened this hearing at 7:40 PM. Frank Bolton wanted the record to reflect that at the last meeting he stepped down but due to the fact that stepping down would create a quorum issue for this hearing he will stay on in order to keep the quorum but again wanted the record to reflect that he will stay on for the quorum but wanted the record to reflect that he did step down for the last hearing in February 26, 2009. Earl Sandford, LLA and Wayne Daniels were present. Mr. Sandford submitted a reference deed for the board, which is the current deed for the property. Mr. Sandford went over the email the board got from Richard Ludders

as a result of the Piscataquog Local River Advisory Committee meeting on March 16th. Mr. Kurk arrived as this meeting was underway. Mr. Kurk asked why there was a remainder of 217 acres on Twin Bridge when there is really nothing more can be used on this side. Mr. Sandford stated that there is a small amount of upland area, which is why note #14 was added to the plan that states the remaining lot is to be considered a non-build able lot until a reasonable access is designated and approved by the Planning Board and a fire protection cistern is designated and approved by the Planning Board. Frank Bolton pointed out the points made by Mr. Ludders regarding the impact to the wetland area and was concerned with flooding that could occur. Mr. Sandford shared with the board a copy of RSA 483 regarding NH Rivers Management and Protection Program which Mr. Ludders references. Mr. Sandford and Mr. Bolton disagreed on the location of the normal high water mark. Chairman Francisco and Mr. Malette agreed with Mr. Sandford.

Mike Palmisano, resident stated that he doesn't really know a lot about this subdivision but what he has seen in the past is that abutters come in next to new subdivision expressing their worries because they are living in an existing subdivision where water issues are happening. He appreciates Mr. Bolton's concerns and he would like to see the water concerns addressed in details before it falls upon people it shouldn't.

Chairman Francisco moved to approve the plan as presented with the condition that the boundary is to be set along lot #412-235; George Malette seconded the motion. Discussion: Mr. Bolton stated that he felt we would be remiss in our program to approve the plan at this point because we have a letter from PRLAC regarding having the relationship of the river to the property more clearly shown and he is not OK with the explanation that has been given. He doesn't think the high water mark is defined. He would not vote for it until he gets a much better explanation. Mr. Kurk stated that if he was voting on this he would raise the issue of the determination if this is consistent with the master plans vision of this Town. Mr. Kurk then referenced two sections of the Subdivision Regulations for reasons of denial. Vote: 2 in favor (Malette and Francisco); 1 opposed (Bolton); and 1 abstention (Clow), therefore the motion passes. Chairman Francisco closed this hearing at 8:24 PM.

NEW CINGULAR WIRELESS (OWNER: JOHN J. MOODY) – SITE PLAN REVIEW, FOREST ROAD, TAX MAP 411-290: Chairman Francisco opened this hearing at 8:25 PM. Doug Wilkins from Anderson and Kreiger was present to discuss this site plan. Attorney Wilkins explained the purpose of this site plan is to obtain approval to erect a 100' monopine on a lot currently owned by John Moody off of Forest Road. Naomi went through the checklist and there are several items that are being asked to be waiver, which is the board's decision. All of the other items have been submitted. The board needs to decide if they want to waive each item and in that case the application could be accepted as complete. If any of the waivers are determined by the board to not be waived then the

application cannot be accepted as complete this evening. The board decided to take each waiver and discuss and vote on it individually.

Checklist #9 – Location of existing and proposed sidewalks, driveways and curb cuts, sight distance at the access point(s), and proposed changes (if any) to existing streets: George Malette moved to accept the waiver; Neal Kurk seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

Checklist #10 – Both vehicular and pedestrian circulation shall be show: George Malette made a motion that this item should be marked “N/A – not applicable”; Frank Bolton seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

Checklist #13 – The size and location of all existing and proposed water wells, septic systems, or culverts. Show the location and distance to any fire cisterns or fire ponds: George Malette moved to accept the waiver; Frank Bolton seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

Checklist #14 – Location and type of existing waste disposal system, or location and type of proposed water disposal system with an outline of 4,000 square foot areas reserved for leach fields for any new system; location of test pits and record of percolation tests: George Malette tee made a motion that this item should be marked “N/A – not applicable”; Neal Kurk seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

Checklist #15 – Location of existing and proposed on-site well(s), showing appropriate protection radius and all wells within 100 feet of the area to be developed: George Malette moved to accept the waiver; Frank Bolton seconded. Discussion: The majority of the board felt that if there is a well within the 100 feet it needs to be shown. Vote: 1 in favor (Malette); 3 opposed (Kurk, Bolton and Francisco); and 1 abstention (Clow), therefore motion fails.

Checklist #16 – The type and location of solid waste disposal facilities: George Malette made a motion that this item should be marked “N/A – not applicable”; Neal Kurk seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

Checklist #18 – Soil survey data from Hillsborough County Soil Survey: George Malette moved to accept the waiver; Neal Kurk seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

Checklist #22 – Survey of site showing boundaries, monument locations, existing natural features, including water courses and water bodies, trees and other vegetation, any other features which should be considered in the site design process, in place of item (5) above: Naomi explained that the deed referenced on

plan actually is for two of the abutting lots, not this lot. The Assessing Department also made a note on the plan that the Town really doesn't have a good survey of the property. The board felt that a survey really should be done especially where the proposed location is just about exactly the setback. Frank Bolton moved to require the survey, George Malette seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

Checklist items #28-#41 were not discussed at this point because they don't have to do with the completeness of the application.

Attorney Wilkins asked about the timing of when a balloon test should be done and he would like to move forward and schedule that for a weekend day. The board discussed if that should be done before the acceptance of the application. The board felt that it would give them a good idea of how much of the tower you would see. Attorney Wilkins will schedule a balloon test. He will then notify Naomi of the date and time and Naomi will notify the abutters, board members and put up a public notice.

Attorney Wilkins then gave a brief overview of the two new submissions he has given the board, one dated March 5th and one dated March 20th. The March 5th report is the Radio Frequency Report and Alternative Sites Analysis. The March 20th report is the Radio Frequency Emission Report and the Noise Study. There was one new submittal dated March 26th which are corrections to the RF report dated 3/5/09. He also submitted results of the analysis of what the FAA will be predicting as well as an agreement for the Town and AT & T. The plans will be revised as they will be having underground utilities to this site.

Chairman Francisco read a letter from IDK Communications which is the Town's RF Engineer outlining the scope of work that would be involved with his review of this project as well as the estimated cost, which was \$2,100. Chairman Francisco explained to Attorney Wilkins that the Town will have it reviewed for the Town but at their expense. The review will not begin to take place until such time that we receive the escrow money. Chairman Francisco gave Attorney Wilkins a copy of the letter.

Jonathan Dowst, 92 Helen Dearborn Rd, stated that he is not opposed to cell phones and technology, but he heard in the presentation that the generator would have a decibel level of 62. He is surprised at that level and he would like it looked at. Mr. Dowst stated that depending upon where the tower will be located the road is steep or really wet. He felt that the survey needs to site it a little better. He felt 900 feet of a driveway to the back, 100 feet from the property line might not be the best location, why not bring it in closer to Forest Road. Mr. Dowst like the idea of the balloon test and thanked Attorney Wilkins for offering it.

Mike Palmisano, 90 Beaver Pond Road stated that he has the same concerns as Mr. Dowst. As far as a location he can't get the idea of the location of this to his

land. He shares the same issue with the noise, not sure how long or when it will cycle. The balloon test he thought is a great idea. He wondered about having a noise test done. He thought it would be appreciated. Visual impact is tough without knowing where it is located on the lot. Getting into the requirements there is no buffer as it was clear cut and drastically impacted. He would appreciate a site walk to consider what is going to be happening here. It would also give everyone the opportunity to see the proximity of the wetlands, as there are a lot of wetlands out there.

Frank Bolton inquired about setting up a site walk to visit the property. Chairman Francisco asked Attorney Wilkins if they could have someone flag the roadway and the tower location before they took a site walk. Attorney Wilkins stated that he was just told they could have it flagged in a couple of weeks. The board scheduled a site walk for Thursday, April 9th at 6 PM and everyone will meet on site at the entrance of the lot on Forest Road (the tavern village side).

The board asked about the possibility of having a noise test and is it possible? Attorney Wilkins stated he will find out if that can be done.

Attorney Wilkins stated that they can also do photo simulation. The board asked if it could be done on Mr. Palmisano's and Mr. Dowst front porches. Both Mr. Palmisano and Mr. Dowst stated that would be helpful. Attorney Wilkins stated that he is not sure about that but would be willing to discuss it with them after the meeting.

Frank Bolton moved to continue this hearing to April 23, 2009; George Malette seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow). Mr. Kurk wanted to point out that the public input on this application is not closed. Chairman Francisco closed the hearing at 9:50 PM.

HENRY D. TIFFANY, III; EDWIN P. TIFFANY & CLEONE T. GRAHAM – LOT LINE ADJUSTMENT, TIFFANY HILL ROAD & HORACE LAKE, TAX MAP 104-037, 106-063 & 106-062: Chairman Francisco opened this hearing at 9:54 PM. Art Siciliano and Bill Tiffany were present. Mr. Siciliano explained that the purpose of this plan is to adjust the lot lines between the three parcels to make them all roughly the same size. There is a very small amount of frontage on East Shore Drive that goes with lot 104-037. The other two lots have no frontage on any road, just Horace Lake. The lots do have an existing right of way through a piece of property owned by Bill Tiffany from Tiffany Hill Road. Before the lot line adjustment lot 104-37 had 41.10 acres and after will have 15.84 acres. Lot 106-63 had 4.28 acres before and will have 15.84 acres after. Lot 106-62 had 2.14 acres before and will have 15.84 acres after. A waiver request was submitted for checklist items #7, 8, 13, 14 & 15. George Malette moved to accept all 5 waivers as requested; Neal Kurk seconded the motion. Vote: 4 in favor (Kurk; Bolton; Malette and Francisco) and 1 abstention (Clow). George Malette moved

to accept the application as complete; Neal Kurk seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

Bill Tiffany was present and stated that he doesn't have a problem with it at all he just wanted to verify that Cleone Graham's lot does in deed have an existing cabin on it. Mr. Siciliano responded, yes it did.

Mr. Siciliano stated that Craig Slattum was here earlier. Mr. Siciliano explained what they were proposing to do and Mr. Slattum wrote brief not indicating that he didn't have a problem with this lot line adjustment.

Neal Kurk moved to approve the plan subject to correcting the abutter and correcting the spelling of the word "considered" in all places; George Malette seconded the motion. Discussion: Chuck asked if there are any covenants or deed restrictions on these lots. Mr. Siciliano responded no. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

JEREMY & HOLLY LAMOTHE – VOLUNTARY MERGER, RIVER ROAD, TAX MAP 412-138 & 413-139: Naomi explained that Jeremy and Holly Lamothe own two contiguous parcels of land on River Road. One has their home on it and one consists of 0.09 acres. Both lots are on the same deed but referred to as two tracts. Being there was no further comments or questions, George Malette moved to approve the voluntary merger as requested; Frank Bolton seconded the motion. Vote: 4 in favor (Kurk, Bolton, Malette and Francisco) and 1 abstention (Clow).

III. OTHER BUSINESS:

FEBRUARY 26, 2009 MINUTES: George Malette moved to approve the February 26, 2009 minutes as amended; Chairman Francisco seconded the motion. Vote: all in favor

MARCH 12, 2009 MINUTES: These minutes will be done at the work session on April 9, 2009.

OEP WEBSITE: George Malette stated that all the house bills pertain to all Land Use changes for everyone to look at and discuss

OEP CONFERENCE: George Malette reminded the board again that the Annual Planning and Zoning Conference are scheduled for Saturday, May 2, 2009. He is going to attend and is looking to car pool.

PICTUER OF PAUL MORIN IN DES NEWLSETTER: George Malette shared with the board the monthly NH DES Newsletter in which there was a picture of Paul Morin with the Highway Commissioner.

IV. ADJOURNMENT:

As there was no further business to come before the board, George Malette moved to adjourn at 10:15 PM; Frank Bolton seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator